

### **REMARKS/ARGUMENTS**

These remarks are responsive to the Office Action dated January 25, 2005. Currently claims 1-28 are pending with claims 1, 9, 16, 20, 24, 27 and 28 being independent. Claims 9-15, 20-26 and 28 are allowed.

The Examiner rejected claims 1-8, 16-19 and 27 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,374,112 to Widegren *et al.* ("Widegren") This rejection is respectfully traversed for at least the reasons set forth below.

#### **35 U.S.C. §102(e)**

The Examiner rejected claims 1-8, 16-19 and 27 under 35 U.S.C. §102(e) as being anticipated by Widegren. This rejection is respectfully traversed.

Claim 1 of the present invention recites a method of providing wireless data communication at a control entity. Data is received in accordance with an Open Systems Interconnection (OSI) reference model level 3 protocol. One of a centralized mode and a distributed mode is selected. When the centralized mode is selected, all operations of an OSI reference model layer 2 protocol are implemented to deliver the data to at least one transceiver device. When the distributed mode is selected, only a portion of operations of the layer 2 protocol is implemented to deliver the data to at least one transceiver device. The portion of operations of the layer 2 protocol includes at least those of a centralized protocol sub-layer.

The system of the present invention and the system disclosed in Widegren fundamentally differ in that the present invention is specific to the centralized and distributed mode as opposed to the system of Widegren which is related to UMTS UTRAN functional blocks and radio bearer resource allocation.

Widegren discloses a layer 2 functional break-down or blocks (See Figure 7) consisting of the Logical channel mapping (logical link layer) and Frame streaming transport/Scheduled transport of frames (RLC/MAC layer). However, Widegren does not disclose anything related to where the functional blocks reside in the network node, thus the system in Widegren has no relation to the centralized mode or the distributed mode.

Item 230 in Figure 7 of Widegren is not a switch to select one of a centralized mode or distributed mode as in the present invention, but rather item 230 in Widegren selects either Frame streaming transport RLC/MAC (Item 212) or Scheduled transport of frames RLC/MAC (item 214), which are not related to centralized or distributed modes. "Thus, for both UTRAN synchronized and UTRAN speech services, a dedicated channel with frame streaming transport is usually selected predominantly because these two bearer services do not tolerate delays in transmission which are usually a part of the scheduled transport service. On the other hand, for the other packet-oriented radio access bearer services in traffic classes CBR, UBR, ABR, and VBR, the radio access bearer controller 32 may select either a dedicated channel with scheduled transport based on the current quality of device requested and traffic conditions." (Column 14, lines 16-26). Hence the system of Widegren does not select a centralized mode and a distributed mode as in the present invention.

Since Widegren fails to disclose every element of Claim 1, Claim 1 is not anticipated by Widegren and the rejection is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejection of Claim 1.

Claims 16 and 27 are not anticipated by Widegren for at least the same reasons presented with respect to Claim 1 and the rejection of claims 16 and 27 is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejection of Claims 16 and 27.

Claims 2-8 and 17-19 depend from Claims 1 and 16 respectively. As such, Claims 2-8 and 17-19 are not anticipated by Widegren for at least the same reasons stated above with respect to Claims 1 and 16. Therefore, the rejections of Claims 2-8 and 17-19 are respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejections of Claims 2-8 and 17-19.

No new matter has been added.

The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicants' undersigned attorney to expedite further processing of the application to allowance.

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Respectfully submitted,



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